

16 OCT 20 P2:00

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, November 16, 2016, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, on the following:

Resolution No. 2016-60

RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS EASEMENT TO KUKU'ULA BAY, KUKU'ULA, COUNTY OF KAUAI, HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF THE ACQUISITION THEREOF BY EMINENT DOMAIN

This Resolution proposes to authorize the County Attorney to institute eminent domain proceedings to condemn an easement along an existing six (6) foot drainage easement situated at Tax Map Key (TMK) (4) 2-6-003:017, for public pedestrian beach access to Kukui'ula Bay, Kaua'i, for public use and recreation.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Resolution are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Resolution at its meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Resolution No. 2016-60 was ordered to print by the Council of the County of Kaua'i at its meeting held on October 19, 2016, by the following vote:

AYES: Chock, Hooser, Kagawa, Kaneshiro, Kualif'i, Yukimura,	
Rapoza	TOTAL - 7,
NOES: None	TOTAL - 0,
EXCUSED & NOT VOTING: None	TOTAL - 0.

Līhu'e, Hawai'i
October 20, 2016

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII, 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.

(One publication – The Garden Island – October 25, 2016)

COUNTY COUNCIL

COUNTY OF KAUAI

Resolution No. 2016-60

(FOR CONDEMNATION)

**RESOLUTION AUTHORIZING THE ACQUISITION OF A PUBLIC
PEDESTRIAN BEACH ACCESS EASEMENT IN LAND REQUIRED FOR
PUBLIC USE, TO WIT: A PUBLIC PEDESTRIAN BEACH ACCESS
EASEMENT TO KUKUI'ULA BAY, KUKUI'ULA, COUNTY OF KAUAI,
HAWAII, AND DETERMINING AND DECLARING THE NECESSITY OF
THE ACQUISITION THEREOF BY EMINENT DOMAIN**

WHEREAS, Hawai'i Revised Statutes (HRS) Section 101-2 provides express authority for taking private property for public use; and

WHEREAS, HRS Section 46-1.5(6) grants the counties the power of condemnation by eminent domain when it is in the public interest; and

WHEREAS, the public pedestrian beach access easement sought to be acquired by the County will be integrated into the network of beach accesses, for public use, and such an acquisition will be in the public interest; now therefore,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI THAT:

1. The acquisition of a six (6) foot public pedestrian beach access easement along an existing drainage easement that is a portion of Lot "B", a portion of Royal Patent 4512, Mahele Award 43 to J. Y. Kanehoa, situated on the south side of Lāwa'i Road, Kukui'ula, Kōloa, Kaua'i, Hawai'i, further identified as TMK: (4) 2-6-003:017, the description of which is attached hereto as Exhibit A and made a part hereof. This acquisition is necessary for a public use, purpose, and interest, to wit: a public pedestrian beach access for public use and recreation.
2. The County Attorney of the County of Kaua'i is hereby authorized and empowered to institute proceedings in eminent domain as provided by law for the acquisition of a portion of the subject lot of record, identified as TMK: (4) 2-6-003:017, for a public pedestrian beach access easement.
3. In the process of any proceedings in eminent domain, the County Attorney is hereby authorized and empowered to negotiate terms of settlement, subject to approval of the Council and/or of the Court before which such proceedings are commenced.

4. The County Clerk is hereby authorized and directed to transmit copies of this Resolution to the Mayor, the County Engineer, the Planning Director, the Director of Parks and Recreation, the Director of Finance, and the County Attorney.

This Resolution shall take effect upon its approval.

Introduced by:



MASON K. CHOCK
(By Request)

V:\RESOLUTIONS\2014-2016 TERM\Eminent Domain Condemnation Public Pedestrian Beach Access Easement Kukuiula Bay JA_cy.docx

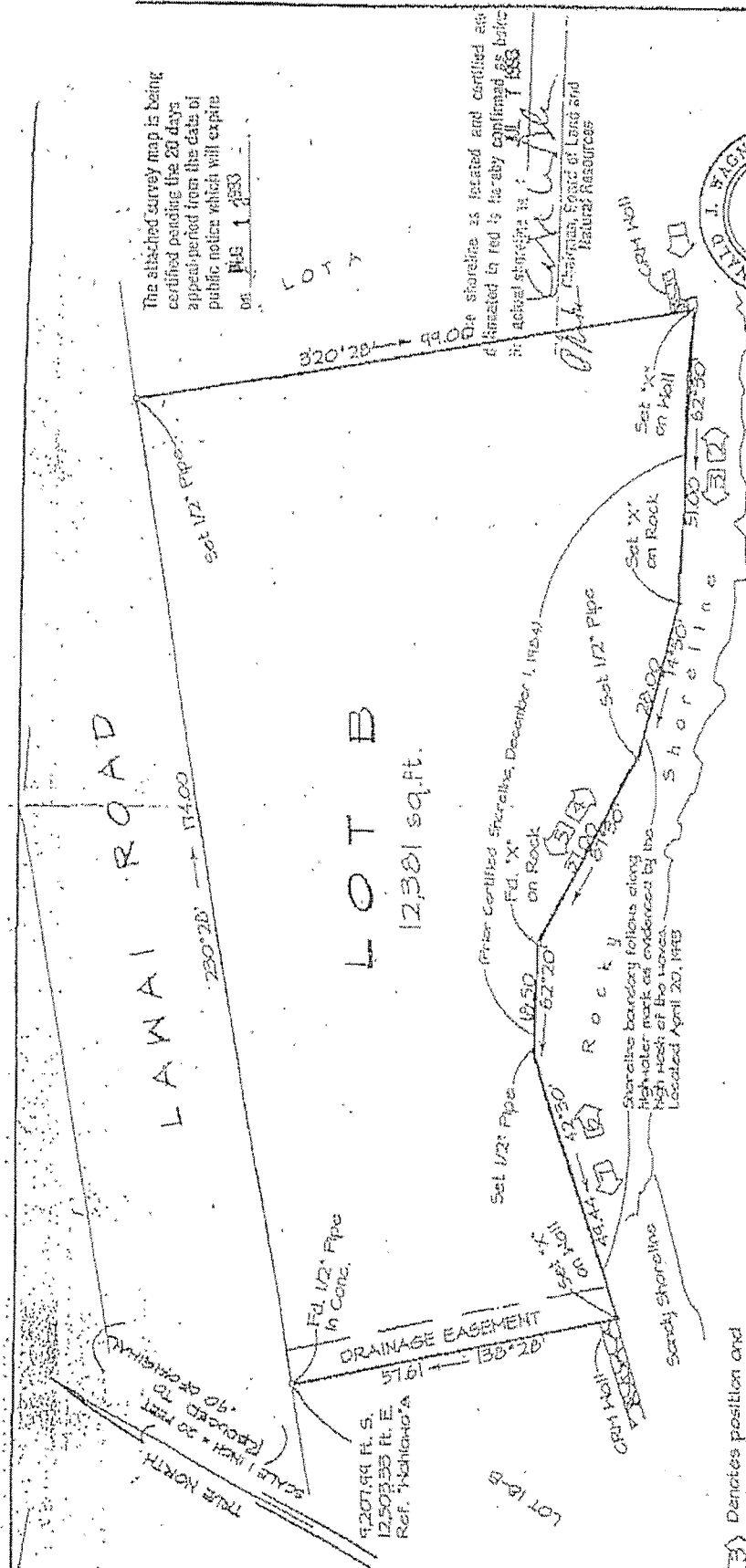
	Aye	May	Excused	Refused
Chock				
Hooser				
Kagawa				
Kaneshiro				
Kuali'i				
Rapozo				
Dukimura				
Total				

Certificate Of Adoption

We hereby certify that Resolution No. _____
was adopted by the Council of the County of Kaua'i, State of
Hawai'i, Lihu'e, Kaua'i, Hawai'i, on

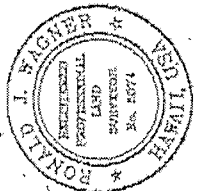
County Clerk
Dated

Chairman & Presiding Officer



The attached survey map is being certified pending the 28 days appeal period from the date of public notice which will expire on Aug 1, 1993

The shoreline is located and certified as disassembled in red by the confirmed as being in actual standing as of Jul 1, 1993



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

Ronald J. Wagner
RONALD J. WAGNER
Registered Professional Land Surveyor

SHORELINE CERTIFICATION

MAP OF

LOT B

Being Portion of R.P. 4512,

Mahele Am. 45 to J.Y. Kanehoo

at

Kukuiula, Kolaa, Kauai, Hawaii

June 22, 1993

Denotes position and number of pictures taken

Prepared for:
Michael Hoban
c/o George Sumatt
P.O. Box 97
Lanai, HI 96765



Wagner Engineering Services, Inc.
P.O. Box 591, Kaneohe, HI 96741 (808) 492-1758

D E S C R I P T I O N

FOOTPATH EASEMENT (6 FT. WIDE)

All that parcel of land being a portion of Lot "B", a portion of R. P. 4512, Mahele Award 43 to J. Y. Kanehoa, situated on the south side of Lawai Road, Kukuiula, Koloa, Kauai, Hawaii.

Beginning at the northwest corner of this parcel of land, also being the northeast corner of Lot 18-B (TMK: 2-6-03:18) and the south boundary of Lawai Road, the coordinates of which referred to Government Survey Triangulation Station, "WAHI'AWA", being 9,207.99 feet South and 12,503.33 feet East and running by azimuths measured clockwise from true South:

1. 230° 28' 6.00 feet along Lawai Road and over the existing Drainage Easement (6 ft. wide);
2. 318° 28' 56.77 feet along remainder of Lot "B" and over the existing Drainage Easement (6 ft. wide);
3. 42° 30' 6.03 feet along the shoreline and over the existing Drainage Easement (6 ft. wide);
4. 138° 28' 57.61 feet along the east boundary of Lot 18-B (TMK: 2-6-03:18) and over the existing Drainage Easement (6 ft. wide) to the point of beginning and containing an Area of 343 square feet more or less.



Kikao Mizumura
Registered Professional Surveyor
Certificate No. 2971
Lihue, Kauai, Hawaii

Map No. 1893

Exhibit "A"

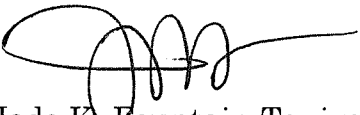
Exhibit A

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Resolution No. 2016-60, which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on October 19, 2016, by the following vote:

AYES:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
NOES:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Līhu'e, Hawai'i
October 20, 2016


Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i